

REMARKS

Claim 1 has been amended. Claims 2, 33-45 have been canceled without prejudice. New claims 46-51 have been added. Claims 1, 3-32, and 46-51 are now pending for the Examiner's consideration.

Claim 1 has been amended to delete "C₁-C₈ alkyl" from the Markush group of R³. In order to preserve the numbering of the substituents (b) – (i) of R³, substituent "(j) R³⁸" has been renumbered as "(a) R³⁸". New claims 46, 47, 48, 49, 50 and 51 are re-written claims of the original claims 5, 6, 7, 8, 21 and 31 in independent form respectively. Therefore, no new matter has been added.

Applicants respectfully request reconsideration of the application in light of the foregoing amendments and following remarks.

Rejection under 35 U.S.C. § 112

Claims 2 and 33-45 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement, as well as under 35 U.S.C. § 112, second paragraph for being indefinite, as set forth on pages 2-4 of the Office Action. Claims 2 and 33-45 have been canceled in the present amendment. Rejection under 35 U.S.C. § 112 thus no longer applies and Applicants respectfully request the rejection be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1, 2, 18-21, 24, 27-31, 33-45 were rejected under 35 U.S.C. § 102(b) as being anticipated by Webber (WO 00/42040) when X represents O, Y-Z represents –N=CH and R³ represents an alkyl group in the original claims, as set forth on page 4 of the Office Action. While not acquiescing the merits of the rejection, to expedite the prosecution, claim 1 has been amended to delete C₁-C₈ alkyl from the Markush group of R³. Thus claim 1 is clearly not anticipated by Webber. Claim 2 has been canceled. Claims 18-21, 24, 27-31 depend from claim 1, claim species of the genus of claim 1 and therefore are also not anticipated by Webber. Claims 33-45 have been canceled. Applicants thus believe rejection under 35 U.S.C. § 102(b) no longer applies and respectfully request the rejection be withdrawn.

Objection of claims as being dependent upon a rejected base claim

Claims 3-17, 22, 23, 25, 26 and 32 were objected as being dependent upon a rejected base claim, but would otherwise be allowable, as set forth on page 5 of the Office Action. Claims 3-17, 22, 23, 25, 26 and 32 depend directly or indirectly from claim 1 and should now be allowable for the reasons discussed in the previous paragraph. Applicants therefore believe that the objection stated in the Office Action no longer applies and request that it be withdrawn.

New Claims

New claims 46-51 are rewritten claims of original claims 5-8, 21 and 31 respectively in independent form and include all the limitations therein. New claims 46-51 have incorporated the currently amended claim 1 and should be in condition for allowance.

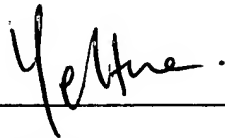
Conclusion

Applicants believe all claims are now in condition for allowance. Should there be any issues that have not been addressed to the Examiners satisfaction, Applicants invite the Examiner to contact the undersigned agent.

If any fees other than those submitted herewith are due in connection with this response, please charge such fees to Deposit Account No. 500329.

Respectfully submitted,

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